

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

CYNTHIA TONEY,A/K/A,  
CYNTHIA PASSMORE,

Plaintiff,

vs.

MEDICAL DATA SYSTEMS, INC.,  
d/b/a Medical Revenue Services, Inc.

Defendants.

CASE NO: 2:06 CV 949

**ANSWER**

COMES NOW the Defendant, Medical Data Systems, Inc., d/b/a Medical Revenue Services, Inc., by and through it's attorney, in response to the Complaint filed by the Plaintiff's and says as follows:

**I.Introduction.**

1. The Defendant admits that the Plaintiff brings this action Pursuant to the averred statute but denies any liability or wrongful conduct.

**II.Jurisdiction and Venue.**

2. Defendant admits that the Plaintiff asserts proper venue, but does not waive any defense as to jurisdiction and venue.
3. Defendant admits that it does business in this District.

**III.Parties.**

4. Defendant is without sufficient information to respond to this paragraph and therefore

denies same and demands strict proof thereof.

5. Defendant admits that it is a Florida corporation and denies the remainder of the allegations of this paragraph.
6. Omitted in original complaint.
7. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
8. Defendant is without sufficient information to respond to this paragraph and therefore denies same and demands strict proof thereof.

#### **IV.Factual Allegations.**

9. Defendant is without sufficient information to respond to this paragraph and therefore denies same and demands strict proof thereof.
10. Defendant is without sufficient information to respond to this paragraph and therefore denies same and demands strict proof thereof.
11. This paragraph does not appear to require an answer but Defendant denies the material allegations of this paragraph and demands strict proof thereof.
12. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
13. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
14. Defendant is without sufficient information to respond to this paragraph and therefore denies same and demands strict proof thereof.
15. Defendant denies the material allegations of this paragraph and demands strict

proof thereof.

16. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
17. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
18. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
19. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
20. This paragraph does not appear to require an answer but Defendant denies the material allegations of this paragraph and demands strict proof thereof.
21. This paragraph does not appear to require an answer but Defendant denies the material allegations of this paragraph and demands strict proof thereof.
22. This paragraph does not appear to require an answer but Defendant denies the material allegations of this paragraph and demands strict proof thereof.
23. This paragraph does not appear to require an answer but Defendant denies the material allegations of this paragraph and demands strict proof thereof.
24. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
25. Defendant denies the material allegations of this paragraph and demands strict proof thereof.

**Violations of the Fair Debt Collection Practices Act (FDCPA)**

26. This paragraph does not appear to require an answer but Defendant denies the material allegations of this paragraph and demands strict proof thereof.
27. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
28. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
29. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
30. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
31. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
32. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
33. Defendant denies the material allegations of this paragraph and demands strict proof thereof.
34. Defendant denies the material allegations of this paragraph and demands strict proof thereof.


#### **Prayer for Relief**

Defendant denies the Plaintiff is entitled to the relief requested.

Defendant further avers:

1. Complaint fails to state a claim upon which relief may be granted.
2. To the extent any violations are established by the Complaint, any violations were not intentional and resulted from a bonafide error notwithstanding maintenance of procedures reasonably adapted to avoid any such error.
3. Plaintiff's claims are time barred by the applicable statute of limitations and/or laches.
4. Plaintiff's damages were caused or contributed by the Plaintiff and or other third parties for whom Defendant is not responsible.

This done the 15<sup>th</sup> day of December, 2006.

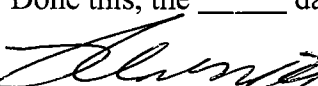
  
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RUSSEL A. MCGILL (MCG009)  
Attorney for Defendant

OF COUNSEL:  
**BRUNSON & ASSOCIATES,**  
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**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing has been served upon the following parties hereto in accordance with Rule 5.

David G Poston. Esq  
Post Office Drawer 311167  
Enterprise, Alabama 36330

Done this, the 15<sup>th</sup> day of December, 2006.  
  
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Of Counsel